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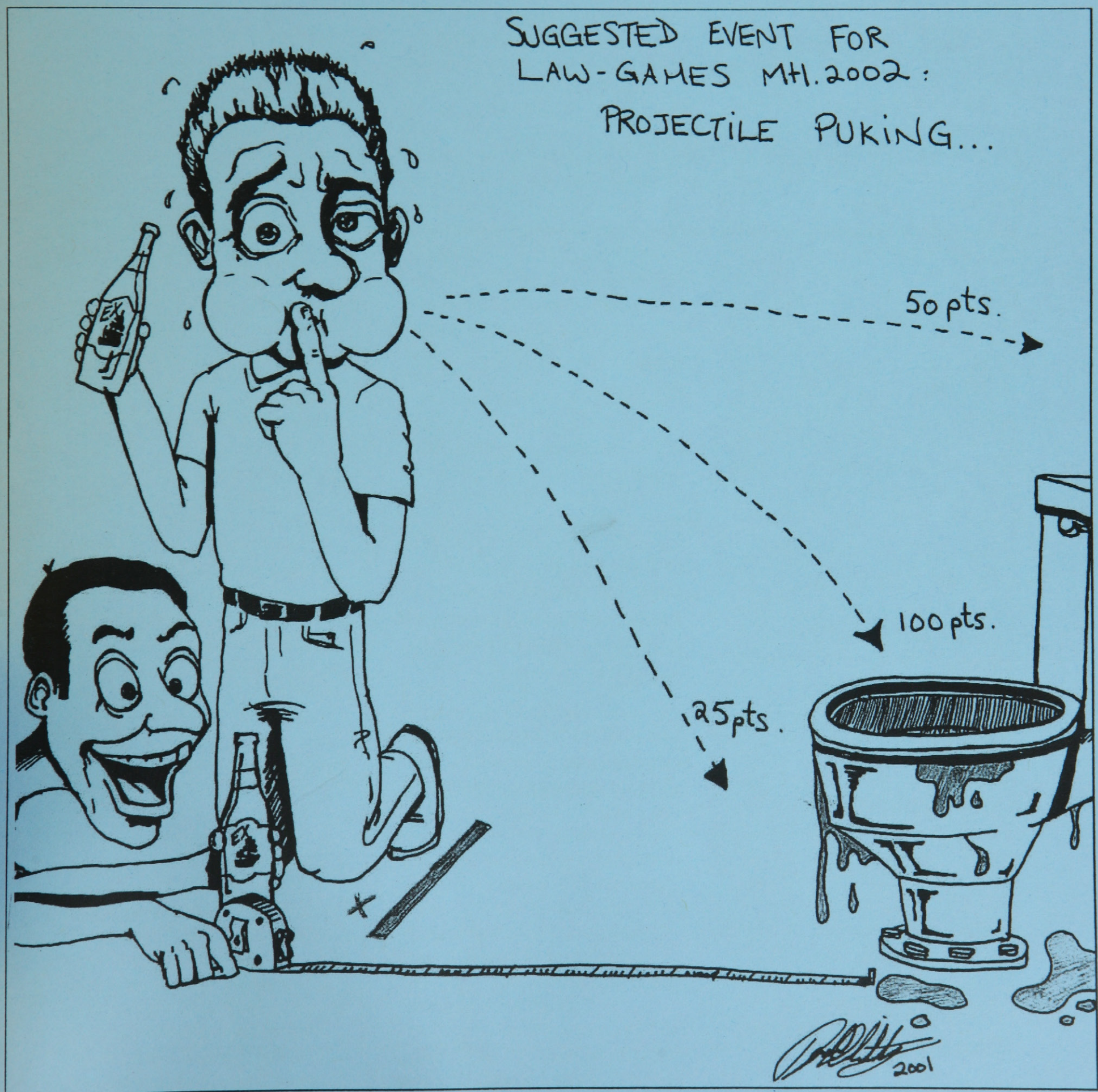

In this Issue

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Quid Novi

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Les articles peuvent être envoyés au quid_novi@hotmail.com.

Editor's Note

Dear everyone,

I have nothing to say.

Except that I love Fabien.

Marta.

Submit to the Quid!!!

quid_novi@hotmail.com

Ethelred the Unready Splits the Atom

by David A. Johnson, Nat IV

Recall that Ethelred the Unready was left with several mandates, each accompanied with the coffee-imbued osmic breathing of a lawyer, causing him to apply additional layers of minty balm. The dilemma was which one to apply his finely honed McGill skills to first. His vorpal blade was actually heard to go snicker-snack before it shattered.

After cautiously wiping last year's wax from the telephone receiver, he called his pal, the *bon vivant*, Hadrian Schubert. Hadrian picked up immediately in his usual bravado voice.

"Hadrian Schubert, at your service, *à votre service*." Hadrian bellowed.

"Hadrian, I need your assistance. I'm going stark raving bonkers." Ethelred spluttered.

"Right. Two minutes in the lounge. Double moccachinos. I need sugar. Bring a notepad and a filefolder." Hadrian replied.

Ethelred arrived at the lounge and Hadrian was already there, grinning beamingly. Hadrian was always so excited at the choice exhibited by the bumpy buttons on the fancy coffee machine. He pressed the moccachino button. The piebald machine (reminiscent of a Jen & Berry's stand) whirred and wheezed as suddenly hot liquid, born of powder, streamed out into a cup, replete of Diego Riveria figures. The Zocolo was effervescent in Montreal. A generous splash of chocolate sprinklings into the froth and each of one grabbing Homer Simpson on a stick, we were ready to discuss.

"What's up?" Hadrian uttered.

"I can't decide how to prioritize my mandates. I received three at the same time, all of them with the utmost importance. It's a risible conundrum for me. I'm a quivering blancmange." Ethelred whimpered.

"Well it appears that Khan has got you by the short and curlies. It is hidden by the Funky Dung of your academic training. Your head is Obscured by Clouds. It is less jumbled than the Coase Theorem though." Hadrian stated.

"It would seem so." Ethelred muttered despondently.

"The day I figured this out a Black Dog whistled by me when I was working in my garage. It is always the case where the needs of the many, outweigh the needs of the few, or the one. You cannot suck and blow at the same time. You must choose the most important one while striving to satisfy the needs of the many. All lawyers understand this form of groveling. The process is like a s.92 of the *Competition Act* factor analysis when determining whether there is the potential of a merger that substantially lessens competition. As an aside, the *Act* uses the words to substantially lessen competition – a split infinitive in a statute, can you imagine? This is the only way, otherwise, you will *Hadley v. Baxendale* yourself." Hadrian snickered.

"So I must examine the exiguous snippets of a lawyer's personality. What a multifarious mummery! So, for example, a lawyer's seniority could be measured in the office by the number of windows, the presence of paintings and sculptures and teak in the woodwork. I could I even look at the quality of their shoes, wrinkles, tics, twitches, golf prowess, department and whether their name belonged to the firm name! It's like a game of tweedy skulduggery!" Ethelred estimated, obviously chuffed.

"Well, glaze my nipples and call me Rita!" Hadrian guffawed, not referring to meter maids. "You're a quick study Belvedere. Welcome to the Machine. Personally, I always use *objets d'art* as my main criterion, rudely shaped obsidian pieces from Aztec temples notwithstanding. I have started my own collection. I have an Egyptian bong next to my meritorious accolades."

"Hadrian, I humbly accept my omnivorous role as an odoriferous Svejk." Ethelred tittered. "You are Radegast the Brown, and I don't mean the Czech ale. It will be Total Quality Control. Crikey, I will whip them each with cripplers."

Ethelred worked like a whaler. He discovered the randy ruse given to him by M^{e} Beaudouin was, in truth, a task cheekily assigned from the great Thibodeau himself as in the 'T' in TLC. This was top priority. The case involved civil responsibility. The client, in execution of his duties as chauffeur (and while making use of an animal) pressed a pesky red button in the automobile causing the airbag to release manually and hurting the poor family poodle's neck. Fluffy survived. The chauffeur did this despite the instructions written on a grocery list from the lady of the house, Viscountess Bouquet. The chauffeur claimed poor handwriting. This was legal verisimilitude. *Morin v. Blais* would be extended further if Ethelred had his way. *Zut alors*, he was beginning to enjoy himself. The other two mandates would come next.

Suddenly, a frantic knock on his door. It sounded like his *confrère*, Apollo Megalopolis, needing an abridgement on the role of the feofee to uses. Oh well, better that than *fructus pecudum* in perpetuity. How now! It was a hurried M^{e} Robidoux opening the door.

"Ethelred, fetch your jacket *et on va à la Cour tout de suite*." She called to him already pivoting superbly in 1.75 inch heels toward the elevators.

Ethelred had never been to court before. How should he behave? Could he mimic his peers? Would generous applications of minty lip balm result in a negative synergy with the competing glare from the typical luminescent lights ricocheting off the judge's balding countenance? He could only hope to be rousingly pithy if spoken to.

What should Ethelred the Unready do? Can you help him out? You may e-mail him at ethelredu@hotmail.com. His dilemma will be solved in the next *Quid Novi*.

Graduating Students: What date is best for you?

by TJ Schmaltz
on behalf of the Grad Committee and the LSA

The LSA has recently appointed Ayana Hutchinson and Darlene Corrigan as theGrad Committee Co-Chairs. Already our intrepid leaders have been busy putting together a dynamic team (including Valérie Lemieux, Véronique Faucher & TJ Schmaltz - LSA Liaison) and a plan of action for the rest of the year and you will soon hear of upcoming fundraising initiatives.

As the grad ball is traditionally a very special evening, the Grad Committee wants to give the graduating class an opportunity to pick the best date rather than have one picked arbitrarily. There are three options to chose from and they are as follows:

1) Monday, April 15, 2002 —> The last day of classes and two days before upper level exams begin. Disadvantage is that we will ALL have exams to worry about, but we did it way back in the day during high school and it worked then. Moreover, this is one of the most stressful and busiest times of year for law students.

2) Saturday, April 27, 2002 —> Exams almost over and NO upper year exams in the afternoon, so plenty of time to have a nap, shave, get your hair done and begin to PARTY! Disadvantage there are several upper level exams on the Monday (including JICP), but you will have the weekend to put that last burst of studying energy to work and you would know about the date well in advance so you could plan for this.

3) Tuesday, April 30, 2002 —> Last day of exams, including upper level exams in Private International Law and Real Estate Transactions in the afternoon. This party would truly represent the last day of law school, but the big disadvantage is that Bar School in Ontario and several other provinces begins the next day, May 1st, 2002. Moreover, some students may been vacating their apartments at the beginning of the month and moving to various sundry locations.

As the title indicated, you are in control, Mr. and Ms/rs. Law Graduates.

Indicate your preference by casting your ballot in the box located in the spacious and vibrant confines of the LSA office from November 20-27. As these dates work out to be the three best alternatives the majority will rule. So go out and exercise your opinions!

Ecrivez pour le Quid...

The Toronto and New York recruitments 2002 and the date of graduation

by Victoria Meikle, Assistant Dean (Admissions and Placement)

Summer 2002 recruitments

In light of the discussion that has been going on, in print and otherwise, regarding decisions on the part of second-year students to participate in the Toronto and American recruitments, I would like to share the experience of these events from the perspective of the administration.

Over the course of the two recruitments, the Director of the Placement Office did indeed receive concerned inquiries about graduation dates from three firms – one in New York and two in Toronto. In each of these cases, we have looked into the situations of particular students about whom concerns were expressed, and we are satisfied that there was no wholesale misrepresentation of graduation date.

I understand the New York firm that contacted the Placement Office to be the firm referred to by Grant McIntyre in his article in a previous edition of the *Quid*. The concerns raised by this firm were amost entirely the result of a lack of complete information about students' programmes. There were a number of reasons for this lack: summer courses may not have appeared on a student's transcript, especially if they were taken at another university; courses added after the add-drop period for the current academic year may not have appeared on a transcript sent in early September; or there may have been insufficient detail about what students were planning for the summer between their second and third years.

The Placement Office heard from the firm in question on the Friday afternoon prior to the Monday on which the New York recruitment began. As the only way to deal with the issue on such short notice was to get in touch with the students in question, this is what we did. By 6:00 p.m. on Friday, having spoken to all but two of the candidates, I was satisfied that there was nothing like wholesale misrepresentation of dates of graduation among those students. In each case, the candidate was asked to contact the firm and outline his or her plan for graduating in three years. The Toronto cases involved the perception of firm representatives that students had said they would be graduating in spring 2003 in order to secure an interview whereas in fact, they would not be graduating until December of 2003 or the spring of 2004. Needless to say, interviewers were somewhat disappointed that candidates who were not eligible to begin articling in 2003 had taken up some of the limited number of interview places they had to fill during the single day of on-campus interviews.

Following the Toronto OCI, the two firms which had contacted the Placement Office were asked to check the date mentioned in the covering letters submitted by the students in question. In every case, it turned out that the students had clearly and honestly stated the date of graduation in their application, but the dates had not been picked up during the firm's selection process.

Il faut conclure de cette expérience que nous devons tous – étudiants et administration – s'assurer que les modalités particulières du programme de McGill sont communiquées chaque année aux employeurs. En outre, les étudiants qui postulent pour des postes d'été à Toronto et à New York devront dorénavant fournir tout les renseignements nécessaires afin de démontrer aux employeurs qu'ils sont en mesure de compléter le programme en trois ans. Cependant, il apparaît clairement qu'aucun des cas signalés au Service de Placement au cours des processus de recrutement de cet automne n'indique une situation de malhonnêteté générale de la part des étudiants qui y participaient.

Les questions de fond

La participation aux recrutements torontois et américain par des étudiants de deuxième année soulève deux questions. La première est la nécessité de communiquer aux employeurs la date à laquelle l'étudiant obtiendra son diplôme. La deuxième question – dont dépent la première – est celle de la durée variable du programme de McGill. La flexibilité du nouveau programme est une de ses grandes vertus. Or, si la participation aux recrutements de Toronto et de New York par des étudiants de deuxième année soulève des questions, c'est justement parce que certains processus de recrutement sont moins flexibles que notre programme.

Le recrutement des grands cabinets de Montréal pour des stages qui se déroulent au printemps est un processus flexible. Selon l'Entente de recrutement, les étudiants sont admissible à ce processus dès qu'ils ont terminé leur première année de droit, qu'ils aient l'intention de compléter le programme en trois ans, en trois ans et demie ou en quatre ans.

Par ailleurs, les recrutements de Toronto et des cabinets américains sont structurés de façon différente. Les étudiants postulent sur des postes d'été, qui peuvent mener à un emploi comme stagiaire (*articling student*) à Toronto ou encore comme associé (*associate*) à New York ou à Boston. Les étudiants sont engagés pour l'été suivant le recrutement auquel ils participent, et on s'attend à ce qu'ils soient disponibles pour travailler comme stagiaire ou associé l'année suivante. Évidemment, l'étudiant doit avoir complété les examens et les cours du barreau pertinents avant

d'entrer en poste comme stagiaire ou associé.
The crucial point regarding date of graduation is that students must be honest with potential employers. 'Fudging' – stating a year without a month – is likely to lead to one of two undesirable results. Where employers know that this can mean either June or December, they may decide not to interview. Where employers are not aware of the ambiguity, interviewers may be very unpleasantly surprised to discover that the candidates they have selected won't be ready to begin working full time when they expect them to be available.
The more fundamental question for each student is the decision about the length of time he or she will take to graduate. Obviously, there will be a number of considerations to weigh when making this decision; academic considerations will weigh heavily, and financial considerations will also be significant for many students.
There are a number of ways to complete the 105 credits required to graduate from the B.C.L./LL.B. programme. With this flexibility comes a certain responsibility to make choices, to determine one's own path through the programme. Given the expectations of employers and students participating in the Toronto and New York recruitments, those who choose to participate in these activities in their second year have a responsibility to have established a concrete plan as to how they will graduate in three years, a plan that is feasible within Faculty regulations. If, as a second-year student, you do not have such a plan, these recruitments are not aimed at you.
Among other things, Faculty regulations provide that, as a rule, students are limited to 18 credits per term during the regular academic year. They also provide that a six-credit essay must be approved by the Associate Dean (Academic), and must be supervised by a Faculty member. If the plan involves completing the 105 credits during the summer following third year, students should have checked with the appropriate Bar authorities that their results will be available in time to fulfil Bar admission requirements.
I would like to conclude by stressing that this responsibility, as I understand it, is not to any member of the Administration, or even primarily to the Faculty itself. It is to the other students participating in recruitment activities organised by the Career Placement Office, and to those McGill students who will wish to seek positions with these employers in future years. In order that employers continue to feel it worthwhile to send representatives to Montreal to interview McGill students, they must feel that they are reaching sufficient numbers of students who will be eligible to article or become an associate at the appropriate time.

Timing is Everything

Perpetuating the Tirade on Expected Graduation Dates

by Harvey Auerback, Law III

"Oh, how cute, it's a time machine." "No, no no, it's a, it's a … blast, what the devil do children draw? It's a pheasant!" –Stewie Gilligan Griffin, Age 1

"See, Meg, things always work out if you just do whatever you want without thinking about the consequences." –Peter Griffin

Let me start off by pointing out the obvi ous. I always like to open on a note of agreement. I am in Law III, and I will graduate on the strength of 105 credits. I had to make the decision to graduate in three years or four one year earlier than this year's Law II crowd. I went through the interview process last year, with Montreal firms, and I had to deal with many of the same concerns as this year's New York interviewees. Those of you who know me know that I don't often write for the Quid. I typically only write when I have particularly strong feelings on an issue, or when I am particularly inspired. I have consciously and deliberately stayed out of such threads as Arabs v. Jews and the post-Sept 11 discussion. This time, however, I felt the need to write. It seems that this issue affects all students in the McGill Programme, and the reputation of the Faculty of Law itself has been called into question. As a future graduate of the McGill Programme, this stands to affect the credibility of the only degree I have that qualifies me to get a job. I would therefore like to state my views on the expected graduation dates that people indicate on their job applications.
First of all, I sympathize with those applicants who feel they were wrongly accused of indicating with malicious intent that they would be graduating in three years. I don't think Grant or the LSA or anyone else meant to imply that everyone who wrote that they expected to graduate in three years did so with intent to deceive. I indicated on my own applications that I intended to graduate in three years, and I did so knowing exactly how I intended to

complete the required course load within those three years, and fully prepared to explain this to an interviewer. The implication was merely that there were people who had [not] done so, and this did not mix well with the widespread unfamiliarity with the McGill Programme.

I checked the OUS's list of students who intend to graduate from the McGill Programme this June, and there are 53 names on the list. I expect these people outnumber those who dishonestly claimed they would graduate in three, as well as those who originally intended to graduate in three but later changed their minds for whatever reason. I suspect a similar proportion of this year's Law II class honestly intends to graduate in three years, and I wish them the best of luck.

I find it hard to convince myself that the uncertainty among Law II students as to their expected graduation date is such a widespread phenomenon. By the time students had done their interviews for New York, Toronto and other places, they had already registered for their second year of law courses. In most cases, if not all, these interviews took place after the fall drop-add period, so at least their fall term registration could no longer be changed.

As I am graduating in three years, I am intimately aware of the required course load. Finishing the McGill Programme in three years requires over 18 credits per term, or virtually a maximum load plus a few summer credits. Finishing in 3_ requires fewer than 15 credits per term, and finishing in four years requires just over 12. Graduating in three years takes some serious planning, including registering for a whole lot of courses in second year. If a student wants to even have a chance of graduating in three years, he must have a pretty serious desire to do so, even before second year registration. Almost nobody would register for 18 credits per term if they weren't relatively sure they would be graduating in three years. Taking 36 credits in your second year leaves you with roughly 9 credits per term if you want to graduate in four, or 12 if you want to graduate in 3 1/2. Very few people would register for such an inconsistent credit load if they could avoid it. On the flip side, doing 25 credits in your second year leaves you with 48 credits in your third year. The McGill Programme may be flexible, but it's only flexible until you decide on your pace. You don't get to keep deciding every year. You have your Law I year to see how you can handle 32 credits, and then you have to start planning. If nothing else, New York and Toronto applications should make a Law II student acutely aware of his impending graduation, and that graduation should be planned for.

Another very important aspect of the McGill Programme is that it is unique to McGill. I know of no other law school that offers an academic program that can be completed in 3, 3 1/2 or 4 years at the student's choice. Some schools offer a three-year program and a four-year program, but these are different programs leading to different degrees, and employers can easily distinguish between them. Every potential employer can look at every applicant's academic record and know when he should expect that person to graduate, except for applicants from McGill. Many Montreal firms that interviewed me needed an explanation of how the new program works. I imagine that out-of-province employers are even less familiar with our program, and we should go out of our way to make sure they understand where we stand academically. The McGill Programme is still in its infancy, and will likely become the defining characteristic of McGill Law over the next decade. We cannot let it stigmatize the university. people now enrolling in McGill Law who have no choice but to select the McGill Programme, and who depend on its continued reputation. We must show the McGill Programme to be a unique academic opportunity, and not an invitation for applicants to deceive law firms. We must avoid not only impropriety but also the appearance of impropriety.

I am intimately aware that the concern over dishonesty in job applications is not limited to the legal profession, much less the expected graduation date on our cover letter. I am also sure that employers are aware of the potential for dishonesty, and that they treat all applicants accordingly. However, the firms to which we apply interview law students from many different schools, and almost all of these schools have three-year programs. They are already predisposed to believing that a typical law student graduates in three years. It is profoundly unfair to induce them to believe this about us, when we are taking advantage of their limited understanding of an atypical academic program. Any student who takes longer than three years to graduate must apply for a job on the same terms as a student graduating in four years, so this information is not even amenable to innocent exaggeration. This isn't merely a matter of "dressing up" an accomplishment so it looks slightly more impressive. This is a black or white question of whether or not the student will be eligible to be called to the Bar in a given year. A single extra credit means you have to wait a whole extra year, and that is a major concern to your employer.

Students should also not be surprised or offended if an interviewer asks them how they expect to graduate in three years. They should be able to point out that they have registered for over thirty credits in their second year, leaving a similar and bearable amount for their third year. We owe the firms this much courtesy, given their lack of knowledge of our school's system. If a student truly intends to graduate in three years, but is not sure if it will be possible, I personally see no ethical problem with expressing the intent to employers. I think we'd all agree that anyone who says they intend to graduate in three years on the

strength of 28 second-year credits is being either blatantly dishonest or implausibly optimistic. There's probably some shady middle ground here, such as a student who would require two or three summer courses to complete a three-year degree. In these situations I trust that students will take account of their own academic abilities, and at least submit an expected graduation date consistent with their current intent. If they end up taking longer, that's not the end of the world, but they should at least try to be honest.

I suppose the timing of the criticism was unfortunate. Perhaps somebody should have mentioned this before you sent out your applications this fall. Of course, the issue only really arose because of the concerns of some New York interviewers during the application process, and by then it was a little late to amend your cover letters. Anyway, do we really need to tell you to be honest? We shouldn't be policing the job applications that go out, but on the other hand we shouldn't have the need to. Honesty is a prized commodity among lawyers, and we should cherish and cultivate it wherever we find it. Remember that most of the interviews you have were secured on the strength of the McGill name. Without that name, and the reputation that precedes it, your degree will be significantly devalued. This will affect you even if you already got a cushy New York job, because you'll be flashing that McGill diploma again when you want to come back and get a "part-time" job billing only 1800 hours a year in a Montreal firm. Let's make sure the words "McGill Law" remain something we can all be proud of.

Discussion about the Aftermath of September 11th

Megan Stephens, Law III

It has now become almost cliché to say that the world has changed since the 11th of September. What does this really mean however? Next week, several professors from the Faculty of Law, all of who are experts in their respective fields, will try to unpack some of the implications of the events of September 11th (and all that has followed) in an interactive discussion with students and interested colleagues. If you are concerned about what is going on in the world, be it internationally or domestically, this is an event you will not want to miss.

The Aftermath of September 11th:
International and Domestic Legal Implications
Symposium Discussion, November 21, 2001
5-7 pm, Moot Court, New Chancellor Day Hall

Featuring the following Professors from the Faculty of Law

Professor El Obaid: Human Rights Implications
Professor Healy: International and Domestic Criminal Law Implications. (Focusing on the Proposed Canadian Anti-Terror Legislation.)
Professor Provost: Humanitarian Laws of War
Professor Toope: Limitations on the Use of Force in International Relations

Discussion Moderator: Professor Ellis

If you are interested in looking at the proposed Canadian legislation prior to the talk, it can be found on the web at: www.parl.gc.ca/37/1/parlbus/chambus/house/bills/government/C-36/C-36_1/C-36_cover_E.html.

I know we all have papers to write and exams to study for, but remember, as one of my wise professors once said, "Don't let law school interfere with your education." Come participate in an event that can help make law school relevant and exciting once again! I hope to see you next week.

Special thanks to the discussion's sponsor: the International Law Society.

quid_novi@hotmail.com

What's happening to the Quid...

by Dennis Galiatsatos, Law II
& Poseidon Retsinas, Law II

Dear classmates,

As second year students, we (Dennis & Poseidon) have never taken the time to write in the Quid, although we do enjoy reading it every week. The Quid has changed a lot over the past few months, and in our opinion these changes can hardly be characterized as positive. The following comments are shared by many students in the faculty, although no one has actually come out and expressed them yet (one would have to be naïve to claim that the environment in the faculty is truly one that lends itself to actual expression, free of informal censorship rooted in political correctness...).

We've decided to take a couple of minutes out of our valuable time (we could be watching wrestling, lying about our sexual exploits or arguing about cars and space travel), to see if anyone else agrees with our "objections".

So bear with us guys, as we're undoubtedly about to make some enemies (although we must VERY STRONGLY EMPHASIZE that this is not our intention in writing this).

We would like to begin by proposing that this whole Arabs-Vs-Jews debate no longer belongs in the Quid. It creates unnecessary and undesirable tension between students, and after actually analyzing the development of the arguments week after week, it is clear [to us] that this ongoing dispute is counter-productive. Arguments are being recycled, which goes to show that no one is being convinced. Obviously, discussion is a great way of resolving problems of this nature, but lets face it, no one is going to be changing anyone's mind. We realize that free speech is to be encouraged in all cases, but it seems like the presence of these articles goes beyond simply expressing the author's views. They're creating tension, and arguably, the comments reflect deep-seeded racist feelings (ouch, the "r" word, go ahead guys, attack us for it...). These debates have been going on for years, at the highest levels (academics, philosophers, politicians) as well as at the lowest (students, neighbours, talk shows). If one is to think that "the right" Quid article will actually change someone's mind on this matter, such delusions are obviously unfounded.

Furthermore, it is important to examine the effects of this ongoing war-of-words on the faculty at large (including students of other "non-involRegardless of the intention of the writers, their comments create division within the faculty.ved" ethnic backgrounds). Having shown that no real progress can be made in convincing "the opposition", what is the intention of these writers? It might be said that their comments are beneficial, insofar as they raise awareness on our behalf (by "our", we mean non-Arabic and non-Jewish students). Hardly. If outsiders to the conflict want to educate themselves, the last place we'll look is in the Quid. Any reasonable curious person will resort to more OBJECTIVE and reliable sources (and no, we don't mean CNN!).

Regardless of the intention of the writers, their comments create division within the faculty. This division may or may not be perceived in the faculty, because of people's reluctance to fess-up and talk about their honest views, publicly (once again, the power of political correctness).

Regardless of the intention of the writers, their comments create division within the faculty.

Before we move on to different matters (what's better, Playboy or Penthouse?), take this hypothetical: both authors of this article are of Greek descent (no ass jokes please, you bastards!). Although we are deeply bothered by the fact that Cyprus was invaded in 1974, and is still occupied today, we would not bring up the issue in the Quid, for the purpose of inciting some quarrel with Turkish students (*by the way, if most of you don't know what we're talking about, it just goes to show that only certain conflicts are deemed worthy to attract attention on the international sphere; damn that pop-culture!*). We do bring it up, but in more appropriate forums, where some progress can actually be made. Let's get back on track now. We don't want to monopolize the space in our article with just one issue. Political correctness in the faculty, or the excess of it, is in our opinion the underlying problem behind most of the Quid's faults this semester.

Although the requirement for author identification in the Quid is crucial in preventing "nut-jobs" from spreading hate propaganda, it does have one drawback. Many students refrain from writing in it, due to the obvious backlash that would result from an honest account of their opinions (we saw a CLEAR example of this last year… rhymes with "Dolores/ Mulva"…— note to Seinfeld fans—). We experienced this today, in deciding whether or not to write this article, an effort that has been contemplated by others… Students should recognize the value of a good sense of humour; if we keep taking ourselves so seriously, going to school will feel like going to the set of the Oprah show.

One last issue, just to alienate anyone we haven't pissed off already (sarcasm, by the way). There's a strong need to reduce the amount of complaining in the faculty. Complaining overall. We're here to become lawyers (and some of us, rock or porn stars), not professional complainers. It seems like every other Quid article whines about something or other. It would be nice to see some more articles with a positive aim, and ones that are more related to the faculty at large. More comedy wouldn't be bad either (unless of course, our need to be politically correct has removed any room for laughter). In this constant bombardment of complaints, we seem to forget how fortunate we are to be here. Many students think that the faculty, and the university in general, exist only to serve them, and actively look for things to criticize, or cry about. More often than not, petty complaints come from those who've never had true problems to complain about. As far as we're concerned, if you haven't "cleaned a public toilet" at one point in your life, or if you've never passed a kidney stone, you haven't earned a right to complain about anything in the Quid, or at all for that matter.

One example of excessive whining was this whole recruitment madness. Complaints about the interview schedules, complaints about the interviewers, complaints about the firms, complaints about the freakin' colour of the carpets in the conference centre, complaints about GPA requirements, and the big one: complaints about those evil evil evil 2nd year students with their underhanded tactics. Regarding that last one, although most arguments were well founded and logical (we're not taking sides here), the motives for those objecting OR defending 2nd year applications were questionable… (you know what we mean).

To conclude, we propose the following: stop the endless Arabs-vs-Jews debate, stop the complaining in the Quid, and lets not get offended so easily when someone scratches, burps, or uses the word "haemorrhoid" in the hallways. Really, this'll make the world a better place. We're all reasonable adults here, right?

O.K. Let the attacks begin. We hope that some will [publicly] share our views. Before people point out that our arguments are lacking, know that we wrote this in about 12 minutes before coffee house (hey, with that waiver, we just can't go wrong!). By the way, we realize that our entire article can definitely be construed as "whining", but remember, both of us have cleaned many public toilets in our lives, and Dennis passed kidney stones twice…

Dennis Galiatsatos and Poseidon Retsinas, Law II

P.S.: every 3 seconds, 500 million ants are born, and 300 million die, thereby increasing the overall ant population by 200 million ants per 3-second-block.

Bias: the Misunderstood Shoe

by Eric Gilman, Nat IV

I was quite intrigued by both the title and the opening sentiments of Mr. Khalfan's article that appeared in last week's *Quid* (Arabs, Jews, Countrypersons…). Unfortunately, I could not have been more disappointed, if not outright rattled.

There are few issues that are as emotionally charged as Arab-Israeli politics. I have yet to truly hear a perspective (particularly regarding this issue) that was without prejudice or bias. Bias comes in all forms and from a variety of sources. It can be subtle and it can be blatant. I would be lying to you if I were to say that I do not "suffer" from a sizable amount of baggage in this sense.

What I found particularly distasteful about Mr. Khalfan's article is that he tried to cloak his piece as an objective sober final thought. Nothing could have been further from the truth. He establishes that he is "not part of the nationalities involved" – as if only those "nationalities involved" are overly biased. Speaking of which, what are the "nationalities involved"? To my knowledge, no one who has penned any of the previous Quid pieces is either Palestinian or Israeli. Therefore, he is either trying to boost his credibility on a fallacious premise or he is insinuating that Palestinians and Jews are particularly biased. But that forces me to ask, "Why are all Jews 'disqualified'?" (NB: Mr. Khalfan contends that he is *not* part of the "nationalities involved" but he is Muslim which therefore necessarily entails – considering that no Israeli penned the previous articles – that when he speaks of "nationalities involved" he

means Palestinians and Jews.) There are as many different perspectives and opinions on the matter as there are those of the Jewish faith. To imply that Jews, in particular, cannot be objective is patently offensive. Notwithstanding Mr. Khalfan's lapse in logic, I still maintain that *everyone* is biased to some degree. That would include Jews and Muslims – to contend that those of either faith are not vulnerable to the natural polar forces is naive.

He goes on to ask readers to put themselves in "the other person's shoes" but fails to undertake that very task. I on the otherhand will do as Mr. Khalfan "preaches" (but does not do). I can acknowledge that both "sides" have valid points that have been conspicuously absent from the bevy of articles. Mr. Khalfan's piece was no exception.

In fact, I would further contend that Mr. Khalfan's "other shoes" argument is even more problematic. The feat of putting yourself in the other person's shoes is only a real exercise when the person is coming from one perspective and makes the effort to comprehend the "other" side. A good example is that of Alana Klein (Nat IV) who grew up with a strong Jewish identity (with a deep Zionist perspective) who spent a summer in Ramallah. She truly challenged her beliefs and came back with a deeper understanding of all the issues from both perspectives. Mr. Khalfan, on the other hand, contends that he came from an ideological vacuum. He was never wearing a proverbial pair of shoes in the first place – i.e., he was not in a position to ever try on the "other person's shoes". When a person knows nothing about a subject they lack vital filters and tools with which to effectively scrutinize information. For example, if one knows nothing about economics and they pick up a book about the "new global economy" how are they to know what biases or questionable givens are being incorporated by the author – regardless of the position being espoused?

But don't worry dear readers, we are supposed to be put at ease because Mr. Khalfan is a Kenyan Muslim who was first educated in a "Catholic open-minded Nairobi school run by Irish Holy Ghost Fathers." Give me a break! In the name of pure intellectual objectivity I am seeking a Siberian Bahai who was home schooled by a Zoroastrian priestess from Machu Pichu to once and for all set the record straight.

What is at stake?

by Christopher Hynes, Law I

Is this "War on Terrorism" increasingly ringing hollow? 'A new kind of war' we were promised, with new and effective tactics. But as the B-52s, with their indiscriminate destructive power, come increasingly into use, and Pentagon-confirmed reports of "collateral damage" sandwiched somewhere between the traffic and weather reports on the morning news, it all seems to be the same old same old.

However we classify this period of history, "post-Cold War," "turn of the millennium," "post-September 11th" or whatever, it is profoundly disturbing how little things have actually changed (just more than a decade ago Afghanistan was being destroyed by the world's second-to-last great Empire).

Timely crises preoccupy the political agenda and get immediate attention. But underneath the concerns of the moment there seems to me a continuing human crisis – one that the world is moving further away from addressing in the aftermath of September 11. The great issues of all time – war, poverty, intolerance – are all linked, yet they are always treated piecemeal by our policy-makers and political systems. To engage these issues, there needs to be an infusion of values-based principles into public policy that would establish and reinforce human rights: one that would emphasize the core values of respect for life, law and equity.

The reality is, hundreds of billions of dollars are continually being spent on arms and militarization when great portions of humanity are economically discriminated against and deprived of their basic human rights and requirements (note Lockheed Martin's $200 billion defence contract last week for yet more bombers). Meanwhile peace initiatives and programs for human development are starved for lack of funds.

In the next 25 years, the world's population is projected to grow by about 2 billion people, most of whom will be born in the developing and emerging economies. Without a concerted effort, many of these people will be bereft of their basic human rights and needs.

Already, according to the *State of the World Forum*:

1.3 billion people worldwide do not have access to safe water.

2.6 billion people worldwide do not have access to adequate sanitation.

11 million children under the age of 5 die each year from easily preventable diseases such as diarrhea, malaria and measles.

Nearly one billion people, two thirds of them women, are unable to read a book or even write their names. This total includes more than 130 million primary school-aged children who are growing up without

access to basic education.
What does any of this have to do with the bombardment of some poor, until-recently forgotten-about Central Asian country? Well, as the U.S. and its allies threaten to betray their own core values with the ruinous futility of carpet-bombing, the answer is – everything.
Armed conflict throughout the last five decades has been the most pervasive element on the development landscape, pushing millions of people into abject poverty and causing severe social trauma, political dislocation, and environmental damage.
According to *Project Ploughshares* of the University of Waterloo, some 50 percent of all states in the bottom half of the *Human Development Index* have been at war at some time during the past decade – compared with less than 15 percent of those in the top half of the index. These conflicts are typically characterized by enormous refugee flows, great regional instability, and incoherent, self-serving foreign intervention – all elements to be contended with in Afghanistan.
What about responding to incipient conflicts before they turn violent? In this vein, anyone who seriously believes Canada's foreign aid, the funds directed toward human development, or that of its G-8 partners, are either sufficient or commensurate with our economic, cultural, and military strength is rather poorly informed.
If the members of the OECD met their commitment to the UN of contributing 0.7 percent of their GNP to development assistance, aid would increase by about $100 billion per year – exactly one-eighth of global military spending.

What would be the impact of diverting even a fraction of global military expenditures toward uplifting the living conditions of humanity?
Consider:

The world's nuclear arsenals, according to the *Bookings Institute*, have thus far cost over $8 trillion and counting. The U.S. alone has spent $5.5 trillion on its nuclear weapons and American taxpayers expend about $100 million a day in order to maintain them.

Despite the end of the Cold War, the world still spends $798 billion a year on armaments, compared to a $1.3 billion U.N. peacekeeping budget and $52 billion in foreign aid from the 21 OECD countries.

By 1998, the Heavily Indebted Poor Countries had international debts of $214 billion, an enormous sum for them, but equal to only 4.5 months of western military spending. You'd have to be a Rand Corporation Analyst not to be shocked by these priorities; sadly, international society's willingness to address them are likely more distant now than ever.
Thomas Friedman reminded us in the *New York Times* of October 30th that truth is the first victim of war. But as he asserted, "not this war… In the war of Sept. 11, we've been the first victims of our own inability to tell the truth - to ourselves and to others." I can't help but think that the current military destruction of what's left of Afghanistan is becoming more of an obstacle to justice, and less a legitimate part of the solution to the security threats facing our societies and the world at large. We are lying to ourselves if we think justice will ever be achieved with weaponry alone, and should the world remain on its present course, the "War against terrorism" will likely foster but a new generation of recruits. By responding to criminal acts with criminal acts, indiscriminate violence with indiscriminate violence the western powers betray themselves and undermine the rightness of their cause.

Ramblings on Rape and the Power of Language

by Eric Gilman, Nat IV

Dear Momma – Wherever you are, if ever you hear the word "nigger" again, remember they are advertising by book.
-the dedication in Dick Gregory's autobiography, *Nigger* (1964)

When I read Rebecca Hare's *Quid* submission from several weeks ago I was immediately disturbed. I did not write a response since I was told that someone else had beat me to it. But, Marc-Étienne Sicard's response addressed a very different point – I would actually contend that he, dare I say, missed the point.
Ten years ago, when I was attending university (completing my undergraduate degree), a debate that was sparked in the 1960s came to the forefront of academic discourse. That debate was that of *language reclamation*. I would have to give much of the credit to two comedians: Lenny Bruce and Dick Gregory. These two Americans, one a Jew and other Black, pushed the limits of the sensibilities of their audiences and society, in general. But, it was only in the late 1980s and early 1990s that a real dialogue hit the mainstream of the academic community. (The roots of this debate can be traced as far back as Aristotle, and found more recently in the works of the French Postmodernists, namely Jacques Derrida. Yet, it was not until a decade or so ago that this debate became less an exercise of esoteric mental masturbation and more a relevant analysis of our societal values.)

Quite simply, language reclamation examines both the power of language and the ability of an oppressed group to turn the language that has always been used against them into an instrument of empowerment. A topical illustration is the way the Afro-American community has begun to use the word *nigger* among themselves. The result is that a term that has always been used against them becomes a familiar term of self-reference that no longer carries the same sting. Despite the fact that Afro-Americans have been quite successful in "reclaiming" the term, the term still carried its baggage and caveats. An incident unfolded this year when Jennifer Lopez wrote a song that uses the term *nigger*. Then came the debate (which is summarized as follows):
-She should not be allowed to use such a term. She is Latino, not of African descent.
-But she was "going with" PDaddy, surely she is not racist – she was using the term just like those around her?
-I don't care, she is not Afro-American and has no right to the term.
-But she is writing music for an audience that uses the term ; she is writing to her audience.
-I don't know, it just doesn't feel right.
(For the record, I have yet to decide on which side of the fence I sit.)

The bottom line is that language has immense power. (One need only pick up a book by the philosophers W. V. Quine, Gottlob Frege, Bertrand Russell, and Saul Kripke or the linguist Steven Pinker, for a deeper exploration on the topic.) To abuse or ignore this power is to deny the forces at play in our society. The lion's share of feminist theory (from Mary Wollstonecraft to bell hooks to Loraine Code) is predicated upon this very notion. That is why Ms. Hare's article was so troubling. She freely uses the imagery of a gang rape (heinously graphic detail included) as a metaphor for political apathy. To be fair, I must confess that I was already on the edge and am using Ms. Hare's article as the proverbial straw that broke the camel's back to make a point that I have wanted to make for some time now. I would contend that unlike the term *nigger*, some words, notions, and ideas should not be inoculated.

Rape is a very serious and horrible act. If we use the term freely then it loses its impact. I submit that we should not allow the notion of rape to be diluted by careless use. One prime example is when I hear students (of both genders) who bemoan a difficult exam with the outburst that they were "raped" [by that exam]. I cannot tell you how unsettling such statements are to me.
If we want the act of rape to be treated appropriately by society (and the legal system) then we must ensure that it is not appropriated by common parlance. For too long (historically speaking), rape was all but ignored by legal systems – today it is starting to gain the currency (of moral outrage) that it deserves. But using the term to serve as a loose metaphor for any morally questionable predicament is counter-productive.
When I hear the word 'rape', the hairs on the back of my neck stick-up – just as when I hear the term 'genocide' or 'massacre'. That is how it should be. We must not allow the term to be carelessly tossed into our discourse.
This underscores my central problem with the criminal code's offence of "sexual assault." It is too vague of a term – it comprises the most "casual" of improper pinches to the most heinous of violent acts. This is problematic on two levels: victims of rape have their suffering cloaked in the most innocuous of terms, and the accused are blacklisted without a clear justification (e.g., it is as if those who commit an assault and those who commit murder are convicted under the same offence).
I posit that we amend the criminal code in either one of two ways: create a hierarchy (e.g., sexual assault in the first or second degree), or we create a new offence (in addition to sexual assault) of 'rape'.
Therefore, I find it troubling that Ms. Hare feels that she can charge the student body of jerking off while watching a gang rape. What does she want us to do? Jump on a plane and fly to Kabul and run around with an olive branch trying to catch any bomb with a butterfly net before it hits the ground? Have we reacted? Yes. Petitions have been circulated. Articles have been written condemning the current action. Symposiums have been organized to discuss the matter. (It should also be noted that even our most respected scholars can not conclusively decide if the US actions necessarily offend principles of international law.)
Charging a person with rape is the most serious of statements. It is an accusation that should never be summarily tossed about. I find such careless charges to be patently offensive.
Political apathy is unfortunate. However, atrocities occur everyday around the world. Every day, in dozens of countries, civilians are oppressed, killed, exploited, tortured, etc. Does [Ms.Hare] mean to say that I am guilty of the most heinous of acts because I have not unilaterally prevented each and every one of these atrocities? Every time someone buys a Starbucks' coffee, diamonds, or running shoes, they are propagating heinous acts. Do I find that troubling? Of course I do. Would I advocate the boycott of products, companies and states that take part in these activities? Yes. Does that mean that to do otherwise is to actively fuel the exploitation of the people of Guatemala, Sierra Leone, or Indonesia? I do. But do I violently rape these peoples ([by acts] from which I derive sexual pleasure)? No.
One may contend that I am equivocating on a minor point of linguistic theory. I would submit that my position is not a subtle rationalization. I maintain that this is not "hair splitting" but is instead a recognition of a critical societal reality. Rape must be permitted to maintain its current linguistic currency. Some words (and concepts) deserve the power that they have. While I may applaud the de-valuation of *nigger*, if *rape* suffers the same death then we have failed to acknowledge the lesson to be learned in every law school: the primary tool of law is language – and the careless use of language makes for bad law, clumsy lawyers and weak societies.

ANNIE MACDONALD LANGSTAFF

HUMAN RIGHTS LAW AND INDUSTRIAL CITIZENSHIP :

CANADIAN AND AUSTRALIAN COLLECTIVE LABOUR LAW AT THE CROSSROADS

Professor Ronald McCallum
Blake Dawson Waldron Professor in Industrial Law
Faculty of Law, University of Sydney

NOV. 21 @ 12:30PM.
ROOM 202 NCDH

Professor McCallum's contention in this presentation is that human rights and industrial citizenship concepts should be utilized to argue for the establishment of mechanisms whereby employees have the right to participate in the governance of their places of work. Workplace governance takes many forms, including collective bargaining, compulsory arbitration, independent works councils, and other arms length consultative mechanisms. Professor McCallum is currently on leave in Quebec City conducting research.

NAMED IN HONOUR OF THE FIRST WOMAN LAW GRADUATE AT McGILL (1914), WHO WAS DENIED THE RIGHT TO PRACTISE IN QUEBEC BECAUSE OF HER GENDER, THE WORKSHOPS PROVIDE A FORUM FOR SCHOLARLY RESEARCH AND PRACTICAL INSIGHTS ON SOCIAL JUSTICE ISSUES.

PRESENTED BY THE MCGILL FACULTY OF LAW IN ASSOCIATION WITH
WOMEN & THE LAW/FEMMES & DROIT AND THE INSTITUTE OF COMPARATIVE LAW

ATELIERS 2001 - 2002 WORKSHOPS

What are Human Rights? Part II - Regional Systems

Jeff King, Law III

In last week's Quid, I at tempted to explain the way in which human rights have become institutionally defined at the United Nations level. I also referred to the fact that there are well-developed regional systems. In this piece, I aim to give a brief outline of the three regional systems of international human rights protection. They are, in order of birth, the European system, Interamerican system and African system.

The European system of human rights is administered by the Council of Europe, which is an intergovernmental human rights and political organisation headquartered in Strasbourg, France. The Council of Europe includes 41member states, and is quite different from the European Union. The latter is an economic customs union of 15 states. EU membership involves far greater commitments toward economic harmonisation, which include the adoption of common external trade standards and recognition of the famous 'four freedoms' which are the free movement of workers, right of establishment, free movement of capital and the right to provide services. The Council of Europe, on the other hand, was created in 1949 as a post-war attempt to develop common European standards of individual freedom, democracy and human rights. The Council has adopted 178 conventions on various social issues, with about a dozen on human rights proper. Of those, the two main treaties are the European Convention of Human Rights (1950, in force 1953) and the European Social Charter (1961/1965). The European Convention created the European Court of Human Rights, which receives individual complaints from citizens of the member countries. Its bench consists of the same number of total judges as of contracting parties (41), and the system now includes an appeal process on questions of law. The Court currently renders around 100 judgements a year, and usually specifies the amount of compensation owed to the complainant in its decisions. The supervision of the implementation of decisions falls onto the Committee of Ministers of the Council, and the political pressure for compliance is strong. The compliance rate is nearly %100.

The European Social Charter, unsurprisingly, has no court system. Its ratification does however engage the state obligation to report to the European Committee of Social Rights. Until 1998, this was the only manner to assess non-compliance with the watered-down commitments under the Social Charter. Now there is a "Collective Complaints" procedure, under which certain NGOs or unions which reside in states that have ratified a particular Additional Protocol may submit complaints on behalf of a group of people who allege non-compliance with the terms of the Charter. The European system is the best functioning international human rights legal system in terms of compliance rates, output, number of state parties, and individual access to an adjudicative body. We are honoured to have Dean Peter Leuprecht who was Director of Human Rights at the Council of Europe between 1980-1993, and was thereafter promoted to a more important position (sic).

The Interamerican system of human rights began with the adoption of the OAS Charter in 1948 (in force 1951). As with the UN Charter, the OAS Charter refers to but leaves undefined the concept of 'human rights'. This definition was provided in the American Declaration of Human Rights and Duties of Man, which was adopted on May 2, 1948 (8 months earlier than the UN's Universal Declaration of Human Rights). Next came the binding American Convention on Human Rights (1969/1978), which dealt exclusively with civil and political rights, and provided for the creation of a Court. The mechanisms for protection at the Interamerican level include a Commission (est.1960) and a Court (est.1978), and there is apparently a petty but harmless rivalry between them. The Commission receives petitions from individuals alleging violations of the American Convention. It examines them, offers conciliation, draws up a report and transmits it to the parties. It may, within three months of concluding the report, also refer the case to the Court. Individuals have no direct acc—ess to the Court, and must go through the Commission first. This is heavily criticised by the current President of the Court, and is a procedure that was done away with by the European Court in 1994 (Protocol No.9). The Court has seven judges and may issue advisory opinions and issue interlocutory injunctions ("provisional measures", which are helpful in execution and torture cases), as well as the standard judgements. Its remedies include money damages and cessation orders. The Court hears around 5 or 6 cases per year, and the Commission considers over 100 petitions annually. The compliance with decisions is not quite like the European system, but it does eventually take place in most cases.

There is an Additional Protocol to the American Convention in the area of economic, social and cultural rights (1988/1999). Under that Protocol, the rights to form trade unions and the right to education are enforceable before the Court, while the rest are not. The Interamerican system also includes torture, women's rights and forced disappearance conventions, none of which may be enforced by the Court. It is interesting to note that for all their rhetoric, neither

Canada nor the United States have entertained the idea of ratifying the American Convention on Human Rights, despite the enthusiastic presence of Americans and Canadians in the Commission and Court functions. The special character of the Interamerican system is said to be the surprising progressiveness of the Court (e.g. the Velasquez-Rodriguez case) and Commission (non-recognition of Peru/Fujimori's attempted withdrawal in 1999), its advisory jurisdiction and the unique power of ordering provisional measures.

Finally, we have the African system. The key dates, institutions and instruments are as follows: Charter of the OAU (1963), Refugee Convention (1969/74), African Charter on Human and Peoples' Rights (1981/86), African Commission of Human and Peoples' Rights (1987) and the Convention on the Rights of Children (1999/2000). The most recent development is the adoption of the Protocol on the Establishment of the African Court on Human and Peoples' Rights in 1998/not in force. The Protocol must be ratified by 15 or more members before coming into force, and has now been signed by over 35 states. Its establishment is thus deemed immanent, though ratification is painstakingly slow. A special feature of that Court will be that NGOs may bring proceedings before the Court if they have special awareness of the problem. This is basically like having an intervener without a complainant, which has particular advantages in the human rights field, where retribution and lawlessness discourage legal challenges (e.g. Digna Ochoa and clients in Mexico). The special qualities of the African system include the presence of 'third generation' rights such as the right to development, the right "…to a general satisfactory environment favourable to their development." (Art.24), and the fact that economic and social rights appear side-by-side with civil and political ones in the same Charter. This interesting development may in part be explained by the important role social rights play in African societies, and perhaps also the growing recognition of the concept of the indivisibility of human rights at the time of the Charter's adoption. What will be more interesting is the way in which the new Court will interpret the social rights provisions of the Charter, for it will be the first time an international court has interpreted the scope of a social right under international law. Another totally unique quality of the proposed African Court is that it will be empowered to consider and apply other "relevant" international human rights treaties to which the challenged state is a party (Art.7 of the Protocol). This means that it will legally be entitled to render binding decisions in respect of those treaties. On the other hand, the progressive quality of the African Charter and Commission has always been undermined by political problems, within and without, and the terrible rate of compliance with reporting obligations (e.g. by 1998, only 30 of 258 reports had been submitted). The 'claw-back' clauses in the Charter are also a huge problem (e.g. Art 10 (1): Every individual shall have the right to free association provided that he abides by the law.) In practice, the Commission reportedly ignores these clauses.

There has been no intergovernmental consensus on human rights principles in East Asia, other than that they are wholly inapplicable to the Asian-values model. South Asia seems fairly content with the international system, though the South Asian Association for Regional Cooperation has, if I remember correctly, mooted the idea of a sub-regional document. There is, also a 1997 NGO declaration called the Asian Human Rights Charter (spanning both East and South Asia), and which has wide legitimacy in activist and academic circles (http://www.tahr.org.tw/data/ahrc/index.html). The other remaining region is the Middle-East. There is an Arab Charter on Human Rights, adopted by the Council of the League of Arab States in 1994, but not much follow up action seems to have been taken on it at this point in time. A truly fascinating development would be whether the League could devise an adjudication or compliance-assessment model premised upon the institutional mechanisms employed in Islamic law. If so, the Western nations would undoubtedly scrutinise the process closely, looking for incorrect judgments and non-recognition of violations. Of course, the question would then arise whether such mechanisms should themselves be amenable to human rights standards. This debate would bring very close to home the question of whether human rights really are Western standards exported to unwilling partners by intransigent activists.

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Lest We Forget

(or remain misinformed)

Stephen Panunto, Law II

Thanks to the three people ended up responding to my little quiz, and to all the others who talked to me around school. Of course, as is usually the case, I'm not as smart as I think I am. I am indebted to John Hobbins, the Law Librarian, and Peter Wright, military mind extraordinaire, pointed out some of my mistakes. (Of course, in my defense, some were the result of editing at one o'clock in the morning, but a mistake is a mistake.)

1. Just for clarification, there were actually two Boer Wars, so the second (the only one Canada was involved in) is now usually referred to as the South African War (of course, my grade eight history teacher, Fr. Rye, always called it the Boer War). Canada participated not in 1896, but in 1899-1902.

2. The Newfoundland Regiment was wiped out in 1916, not 1917, at the Battle of the Somme. Inexcusable historical oversight on my part.

3. The Wartime Elections Act gave the vote to British women who were closely related to any member who had served in Canada's military forces, whatever the position.

4. A Canadian division landed on Juno beach. Gold and Sword were British beaches (although, if certain critical military buffs want to be really picky, many Canadians did serve with British units.).

And another thank you to Lori DiPierdomenico, who quizzed me back. On next year's quiz, I'll ask what "reading your tunic" meant during the First World War (I got it wrong). You guys have a year to figure it out.

Now for Something Completely Different

Law Games is still looking for volunteers to referee the different sports this January. No experience is required, and we can make up for taking away from you winter break by giving you beer and getting you into parties (as well, of course, as being for eternally in your debt). Even if you are attending Law Games, please help us out for at least a little while; it will be greatly appreciated.

Email Peter or me at lawgamessports@hotmail.com

Notorious

by Edmund Coates, Nat IV

What kind of property are slaves? From the Civilian point of view, we have hardly begun once we characterize something as property. Crucially, we need to know whether we are faced with an immovable or a movable. In 1705, one of the principal judges of the France rendered an authoritative determination in regard to the immobilization of slaves. This decision concerned the Coutume de Paris, and so would have had authority in Quebec. There was some slavery here, under both French and English regimes. The slaves here were mostly a luxury good; one indulged in equally by church institutions as by leading citizens (such as James McGill). Presumably, if slavery were reintroduced in Quebec, this decision will have kept at least persuasive authority. The translation of the decision follows.

ACT OF NOTORIETY given by Monsieur le Lieutenant- Civil du Châtelet. On the request to the court made by Me Fossier, mandated by Me Marin Bullet, attorney at Mans and Magdelaine Yvon his wife, heirs of the deceased Written law, but is rather a metropolitain law, which is always followed in the places which follow the Coutume de Paris. Done and given, etc. 13 November 1705.

Of course the determination that humans can be movables or immovables is absurd. But the court could not or would not see the key absurdity, the idea that humans could be owned. The judge simply drew a determination from received principles. Today, courts typically proceed in the same way when faced with markets or near markets in the stuff of human life: DNA, sperm, ova, embryonic tissue. What are the blindnesses of our law today? Which are the questions debated in the schoolroom, perhaps, but whose barbs fail to prick in the courts, under the drive for efficient determinations?

Warm Up That Singing Voice – Skit Nite's Coming!!!!

Lawna Hurl & Jeff Feiner

Long after Law Games is a bitter sweet memory and before the pain of exams begins to inflict it's ugly wrath, there is the one and the only – **SKIT NITE**. For those of you new to the team, Skit Nite is the one night of the year that law students can unleash their hidden talents on unsuspecting colleagues, professors and alumni. Also, it's for charity. This year's theme will be unveiled at the final Coffee Haus of the year….and it's gonna be good. But first we need to start putting our little army of people together to make the show a great success. Take a look at the positions below and email your interest to skitnite@lsa.lan.mcgill.ca, the deadlines for indication of interest for each position are included below. Please choose a position that you will be able to dedicate the approximate time asked. So that everyone can plan accordingly we have also included the months in which there will be some Skit Nite activities to be taken care of for the various positions. But keep in mind that we have divided up the responsibilities so that working on Skit Nite will be fun and not onerous. If you have any doubt about the time commitment involved for any of the following positions contact us and we will give you a more detailed description of the position and the time

Position	*Description*	*Let us Know by*	*Months of fun*
Director	-oversees the continuity of the entire show, works closely with the other directors to coordinate skits, dances and music;	December 7	January, February and March
Music Director	- coordinate all the band rehearsals and the songs that the band has to know or be ready to play; making sure the band knows the call of the show;	December 7	January, February and March
Dance Director	- responsible for the choreography of all the dance numbers; this includes recruiting dancers and rehearsals;	December 7	January, February and March
Skit Director	-will act as directors for all skits and their fit into the show, including blocking and position in the show;	December 7	January, February and March
Writers	- primarily responsible for writing the 'story' part of the show; linking up the various skits to the theme to maintain continuity;	December 7	January, February and March
Performers	- sing, dance, act, perform, show-off, shout, tell jokes….	More info later	Varies
Stage Manager	-backstage during the show and is there to make sure that everyone knows when they are going on and that they have the right equipment;	January 15	March
Caller	-calls the show and coordinates with the technical people;	January 15	March
Assistant Stage Managers	-helps the stage manager with coordination of acts and the order that they go on stage;	January 15	March
Backstage Staff	-general 'show night' backstage help;	January 15	Night of show
House Manager	-will coordinate the ushers and make sure that everything goes smoothly between the venue and ourselves;	January 15	March
Ticket Manager	-responsible for tickets…. printing collecting and sale;	January 15	January, February and March
Ushers	-will show people to their appropriate seats the night of the show;	January 15	March
Bar Liason	-make sure that everyone has a drink and making sure that the venue's bar is running smoothly;	January 15	March
Publicity Director	-posters, ad campaigns, visiting classes and coordination of all tactics to get people out to the show; (this position will probable have assistants)	January 15	January, February and March
Fundraising Directors (3)	-THE MOST IMPORTANT positions will assistant the VP Public Relations in getting $$$$$$ to give to the charities. This is a great way to see how firm sponsorship works and to come up with other great ideas to make money.	December 7	January, February and March

Chess Corner

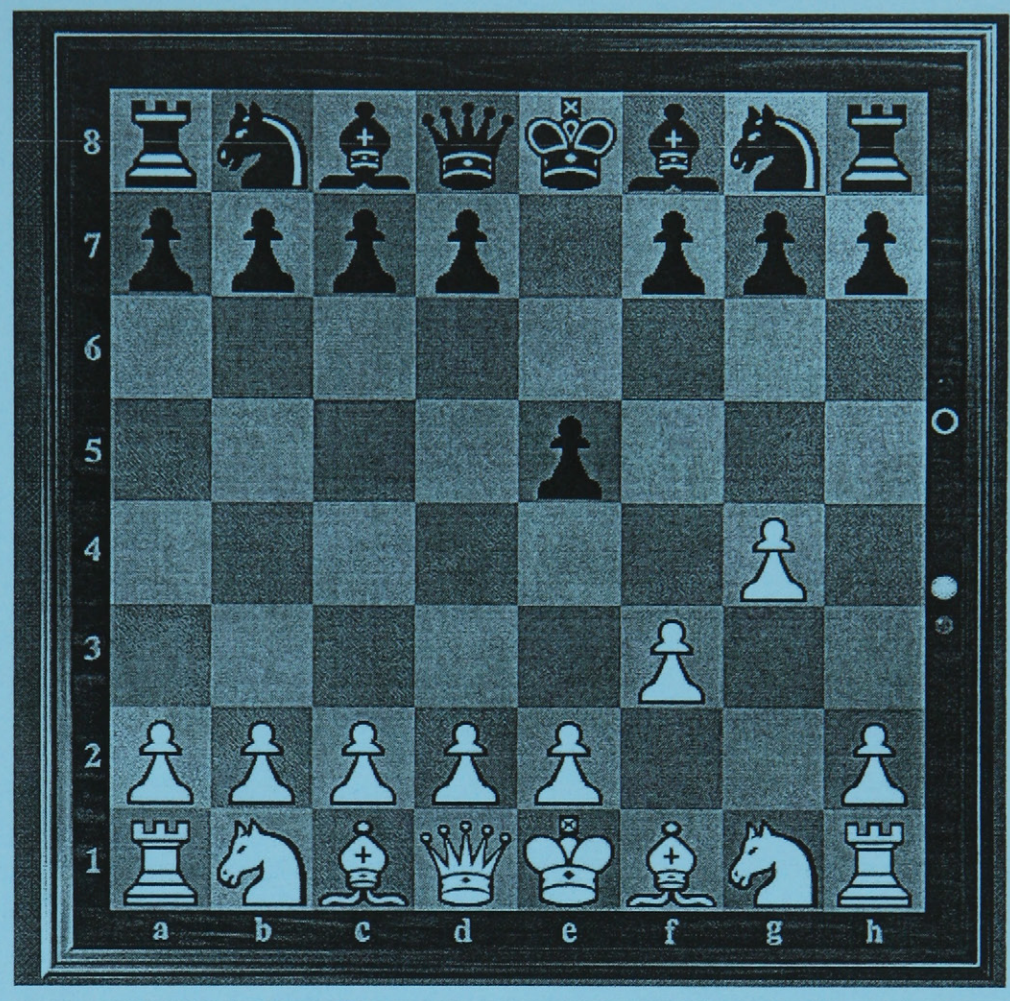
by Pablo E. Bustos Law III

The Two-Move Checkmate

Instead of a problem, this week the Chess Corner will demonstrate a variation that is almost never seen in actual play, but is theoretically interesting.

Most readers are probably familiar with the four-move / fool's mate, or its many variations. However, checkmate can actually be achieved in just two moves, albeit only if white makes two sequentially opening moves that leave its king-side exposed.

If the white pieces moved its F2 pawn to either F3 or F4, and its G2 pawn to G4, then, as shown in the diagram below, black can checkmate in two moves by simply moving its E7 pawn to either E5 or E4, and then mating accordingly with the Queen. For those who are still interested in obtaining information about playing organized chess in the faculty, please contact Marc-Etienne Sicard at sicardm@lsa.lan.mcgill.ca



Pino&Matteo and Chico Resch – simply a winning combination!

by Keith Cameron, Nat IV

Chico, pumped up from the big rough and tumble win the week earlier that put the boys back to .500, came out and whipped their opponents 4-1. Entertainment at its finest, that is if you liked the movie *Slap Shot*. I have to say it is a personal favorite and winning a game while you hand the other team a physical beating at the same time just makes the beer taste that much better. And yes, I will one day crawl out of my cave but for now I rather enjoy it. Seriously though, *Chico* was served with a warning from the league for its physical style of hockey and I'm sure a second warning will come down from the top after they see the score or shall I say penalty sheet yet again. One more penalty by the *Chico* squad and this game would have been a disqualification. You gotta love it! Anyway, the game's three stars as chosen by the one who brought the beer to the game went to the following: first Star – Sandy Kherha, who put one player out of the game with a clean open ice hit (yes this is supposed to be non-contact hockey) and still finding the back of the net twice and adding an assist. He finished the night with a +3; second star – goalie Steve Panunto, who played a solid game and made one save I in particular won't forget for the entire year. Steve, caught out of position a little, slid across the goal crease, stacked the pads and pulled the puck out of the air – all in one fluid motion. It's good to be lucky and it's lucky to be good as lowered is goals against down to 3.20; third star – Dan Gaudrault (alumni), last year's MVP, played another solid game, picking up an assist and more importantly six minutes' worth of penalties. Other goal scorers were Brandon and Cam (me) on the evening. Next game admission is free, so come one, come all and cheer on your law team to victory on November 20th at 9:30pm vs. the *Slayers*.

NEWSLETTER, NOVEMBER 13, 2001

1) POSITIONS RECEIVED THIS WEEK

FOR GRADUATES: BILINGUAL LEGAL EDITOR LEGISLATION

- Quicklaw, Canada's online legal information service has a full-time, permanent position for a bilingual legal editor in Kingston. Candidates will possess a degree in law, Law Society membership, one year post-call experience and an interest in a career of legal publishing. The position involves the editing of federal and provincial bills, statutes and regulations. Applicants must have competence in grammar, spelling and punctuation. Attention to detail and proficiency in WordPerfect and Word are necessary. Experience in legislative drafting will be an asset. Quicklaw offers an excellent salary and benefits package and a non-smoking environment.

Please submit your résumé by e-mail, mail or fax to:

Pamela Thompson
Senior Legal Editor
Box 2080, One Gore Street
Kingston, Ontario
K7L 5J8

E-MAIL pthompson@quicklaw.com
FAX: (613) 549-4875

PART-TIME WORK

-La Fédération des ordres professionnels de juristes du Canada regroupe 13 ordres dont le Barreau du Québec. On recherche un(e) étudiant(e) qui pourrait travailler 8 heures par semaine (ou plus) au bureau de la Fédération ou à l'extérieur du bureau et offrir les services suivants : effectuer des recherches sur le le web sur des sujets d'actualité se rapportant à la profession juridique; faire la mise à jour des sites intranets de la Fédération; faire la mise à jour du site web de la Fédération; coordonner des conférences téléphoniques et rencontres des comités de la Fédération; gérer une base de données Access de la Fédération. Connaissances de Word, Web nécessaires; Access, un atout. Envoyer votre candidature avant le 30 novembre par courriel à dbourque @flsc.ca :

Diane Bourque
Directrice générale
Fédération des ordres professionnels de juristes du Canada
Bureau 480-445, Boul. St-Laurent
Montréal (Québec)
H2Y 2Y7
Tel : (514) 875-6351
www.flsc.ca

2) CLERKSHIPS 2002-03- Superior Court of Justice (Ontario)

Four new articling positions have become available at the Superior Court of Justice (Ontario) for the 2002/2003 articling year. These positions are in the following centres:
(1) Ottawa;
(2) Hamilton;
(3) Newmarket; and
(4) London.
They have set the application deadline as November 23rd so that interviews may be conducted prior to Christmas exams.
They ARE seeking third year students who are still looking for articling positions

Contact: Lauralee Bielert Senior Law Clerk
Superior Court of Justice Office of the Chief Justice
361 University Avenue, Room 616
Toronto, ON M5G 1T3
(416) 327-5005

3) 2002 SUMMER INTERNSHIP PROGRAM: FUNDING

The Curtin Justice Fund Legal Internship Program (ABA) is seeking interns to apply for stipends available for the Summer 2002 Program. The students should have a position offered, contingent on funding, from a qualified organization. The program will pay $2,500 US to students who spend the summer months work working for a bar association or legal services program designed to prevent homelessness or assist homeless or indigent clients or their advocates. The ideal intern will have a demonstrated interest in public interest law and experience working with poor people or on issues affecting them. While all students (including Canadian citizens) are eligible, second and third year students are preferred. The intern must commit no less than 8 continuous weeks between May 1 and October 1 to the program. Applicants must submit the application available at the CPO to Curtin Internship Program, ABA Commission on Homelessness and Poverty, 740 15th St. N. W., Washington, DC 20005. Application must be postmarked no later than March 1, 2002.
Early submissions are welcome. For more information: www.abanet.org/homeless/curtin.html.

4) PLACEMENT STATISTICS – Very important!

Please inform the CPO of placement through the Toronto OCI, US OCI or the East/West recruitment processes. It will remain confidential.

5) PROGRAMME D'ÉCHANGE INTERPROVINCIAL D'EMPLOIS D'ÉTÉ – Gouvernement du Québec

Forms are available at the CPO. Check the Boards and their web site for more information: www.peq.mic.gouv.qc.ca.

6) CPO OFFICE HOURS & OTHER NEWS

Please take note of the new CPO office hours: Tuesday afternoon, Wednesday afternoon and Thursday morning. In order to secure an appointment, I encourage you to make an appointment.

It will be away on Nov. 14-15-16 for the East/West recruitment

7) THE LEGAL HANDBOOK

It is available at the CPO. Il s'agit d'une nouvelle édition, revue, corrigée et augmentée! Même bas prix que l'an dernier : 10$.